REMARKS/ARGUMENTS

Claims 1, 4 and 10 have been amended to correct a number of typographical errors identified by the Applicant. Claims 1 to 14 are now pending in the present application and are believed to define clearly the Applicant's invention in a manner that distinguishes patentably over the cited prior art.

The Examiner rejected claims 1, 2, 4, and 8 to 12 under 35 U.S.C. § 102(b) in view of U.S. Patent No. 3,734,404 to Baynes *et al.* ("Baynes"). The Examiner also rejected claims 1, 2 and 4 under 35 U.S.C. § 103(a) as being obvious in view of U.S. 2,687,304 to Northrop *et al.* ("Northrop") in light of the teachings of Baynes. The Examiner rejected claims 13 and 14 under 35 U.S.C. § 102(b) in view of U.S. Patent No. 2,665,848 to Smith ("Smith"). Applicant respectfully submits that the Examiner's rejections are inappropriate for the reasons set forth below.

In one aspect of the Applicant's invention as defined by independent claim 1, Applicant provides a toy train track adapter system for adapting a toy train track made for use with trains having a first wheel configuration for use with vehicles having other wheel configurations. The system comprises a plurality of adapters. Each of the adapters comprises a support surface, an upper surface and at least one guiding feature. The support surface is in contact with the toy train track when placed therealong. The upper surface has at least one travel surface dimensioned to receive at least one set of wheels of a vehicle having a second wheel configuration that is different than the first wheel configuration. The at least one guiding feature is provided by at least one of the adapters and the toy train track when the adapters are placed along the toy train track to maintain the vehicle on the at least one travel surface. The adapters have longitudinal ends that permit a first of the adapters to be placed adjacent a second of the adapters along the toy train track to create a continuous track length from the at least one travel surface of the first and second adapters. Placement of the plurality of adapters about the toy train track permits the vehicle to travel about the toy train track on the at least one travel surface of the plurality of adapters.

In contrast, Baynes discloses a track system for toy vehicles having a number of track sections with travel surfaces of differing widths on either side. The track sections are held together with connectors that clamp the lateral edges of the track sections together.

Northrop discloses a racing game apparatus having a plurality of equally-lengthed tracks, upon which travel electrically-powered toy vehicles.

Smith discloses a roadbed-simulating attachment for railroad tracks. The attachment is coupled to a section of toy train track to provide a simulated railroad bed. Additional ties can be simulated in the attachment to supplement rail ties of the toy train track sections.

Neither Baynes, Northrop nor Smith, either alone or in combination, teaches or suggests a plurality of adapters having at least one travel surface dimensioned to receive at least one set of wheels of a vehicle having a second wheel configuration, and at least one guiding feature provided by at least one of the adapters and the toy train track when the adapters are placed along the toy train track to maintain the vehicle on the at least one travel surface, such that placement of the plurality of adapters about the toy train track permits the vehicle to travel about the toy train track on the at least one travel surface of the plurality of adapters.

In particular, neither Baynes nor Northrop relate to adapters for use with toy train tracks at all. While Smith discloses adaptors for use with toy train tracks, the clips securing the rails to the ties of the toy train track work to inhibit travel of a vehicle about the travel surface provided between the train track rails and cause the wheels of the vehicle to skip off of the at least one travel surface. As a result, when Smith's adaptors are used with the toy train track, a vehicle is not guided and, in fact, "misguided" by the rail clips when traveling on the at least one travel surface.

Accordingly, Applicant respectfully submits that the invention as defined by independent claim 1 distinguishes patentably over the cited prior art and should therefore be allowed. As claims 2 to 12 depend either directly or indirectly on independent claim 1, which Applicant believes to be allowable, Applicant respectfully submits that these claims also distinguish patentably over the cited prior art and should therefore be allowed.

In accordance with another aspect of the invention defined by independent claim 13, Applicant provides a toy train track system for use with a train having a first wheel configuration and other vehicles having a second wheel configuration. The system comprises a plurality of track segments for forming a circuit. The track segments comprise at least two rails, at least one travel surface and at least one guiding feature. The at least two rails support a train having a first wheel configuration. The at least one travel surface is adjacent the rails and is dimensioned to receive at least one set of wheels of a vehicle having a second wheel configuration. The at least one guiding feature is provided along the at least one travel surface to maintain the vehicle on the at least one travel surface. The at least two rails extend the length of the track segments to permit unobstructed travel of the train thereover. The at least one travel surface extending the length of the track segments to permit unobstructed travel of the vehicle thereover when at least two of said track segments are coupled at longitudinal ends thereof.

Neither Baynes, Northrop nor Smith, either alone or in combination, teaches or suggests a plurality of track segments having at least one travel surface adjacent rails of the track segments and extending the length of the track segments to permit unobstructed travel of a vehicle having a second wheel configuration thereover when at least two of the track segments are coupled at longitudinal ends thereof.

While Baynes discloses two travel surfaces, it does not disclose rails for supporting a train having a first wheel configuration, let alone a travel surface adjacent the rails. Northrop simply does not disclose a travel surface adjacent rails. Additionally, while Smith discloses a plurality of track segments, the travel surface provided does not permit unobstructed travel of a vehicle having a second wheel configuration thereover, as the clips securing the rails to the ties clearly obstruct travel of a vehicle along the travel surface.

Accordingly, Applicant respectfully submits that independent claim 13 distinguishes patentably over the cited prior art and should therefore be allowed. As claim 14 depends directly on independent claim 13, which Applicant believes to be allowable, Applicant respectfully submits that this

claim also distinguishes patentably over the cited prior art and should therefore be allowed.

New claims 15 to 18 have been added and generally correspond to claims 3 and 5 to 7, which the Examiner indicated are allowable.

In view of the above, it is believed the application is in order for allowance and action to that end is respectfully requested.

Respectfully submitted,

April 26, 2005

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